NOTIFICATION.

(Law Department).

No. LAW 87 LCA 66, Bangalore, dated 4th February 1967.

Ordered that the Seeds Act, 1966 (54 of 1966), which has been published in the *Gazette of India*, Extraordinary, Part II, Section 1, dated the 30th December 1966, be re-published in the *Mysore Gazette*, for general information.

By Order and in the name of the Governor of Mysore,

H. K. Ananthasubba Rao,
Under Secy. to Govt., L. D.

THE SEEDS ACT, 1966

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title, extent and commencement.
2. Definitions.
3. Central Seed Committee.
4. Central Seed Laboratory and State Seed Laboratory.
5. Power to notify kinds or varieties of seeds.
6. Power to specify minimum limits of germination and purity etc.
7. Regulation of sale of seeds of notified kinds or varieties.
8. Certification agency.
9. Grant of certificate by certification agency.
10. Revocation of certificate.
11. Appeal.
12. Seed Analysts.
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14. Powers of Seed Inspector.
15. Procedure to be followed by Seed Inspectors.
16. Report of Seed Analyst.
17. Restriction on export and import of seeds of notified kinds or varieties.
18. Recognition of seed certification agencies of foreign countries.
19. Penalty.
20. Forfeiture of property.
21. Offences by companies.
22. Protection of action taken in good faith.
23. Power to give directions.
24. Exemption.
25. Power to make rules.

Assented to on 29th December 1966. Act, No. 54 of 1966

THE SEEDS ACT, 1966

An

ACT

to provide for regulating the quality of certain seeds for sale, and for matters connected therewith.

BE it enacted by Parliament in the Seventeenth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Seeds Act, 1966.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for defferent provisions of this Act, and for different States or for different areas thereof.

2. *Definitions.*—In this Act, unless the context otherwise requires'—

(1) "agriculture" includes horticulture ;

(2) "Central Seed Laboratory" means the Central Seed Laboratory established or declared as such under sub-section (*1*) of section 4 ;

(3) "certification agency" means certification agency established under section 8 or recognised under section 18;

(4) "Committee" means the Central Seed Committee constituted under sub-section (*1*) of section 3;

(5) "container" means a box, bottle, casket, tin, barrel, case, receptacle, sack, bag, wrapper or other thing in which any article or thing is placed or packed ;

(6) "export" means taking out of India to a place outside India;

(7) "import" means bringing into India from a place outside India ;

(8) "kind", means one or more related species or sub-species of crop plants each individually or collectively known by one common name such as cabbage, maize, paddy and wheat;

(9) "notified kind or variety", in relation to any seed, means any kind or variety thereof notified under section 5;

(10) "Prescribed" means prescribed by rules made under this Act;

(11) "seed" means any of the following classes of seeds used for sowing or planting—

(*i*) seeds of food crops including edible oil seeds and seeds of fruits and vegetables;

(*ii*) cotton seeds;

(*iii*) seeds of cattle fodder,

and includes seedlings, and tubers, bulbs, rhizomes, roots, cuttings, all types of grafts and other vegetatively propagated material, of food crops or cattle fodder;

(12) "Seed Analyst" means a Seed Analyst appointed under section 12;

(13) "Seed Inspector" means a Seed Inspector appointed under section 13;

(14) "State Government", in relation to a Union territory, means the administrator thereof;

"State Seed Laboratory" in relation to any State, means the State Seed Laboratory established or declared as such under sub-section (2) of section 4 for that State; and

(16) "variety" means a sub-division of a kind identifiable by growth, yield, plant, fruit, seed, or other characteristic.

3. Central Seed Committee.—(1) The Central Government shall, as soon as may be after the commencement of this Act, constitute a Committee called the Central Seed Committee to advise the Central Government and the State Governments on matters arising out of the administration of this Act and to carry out the other functions assigned to it by or under this Act.

(2) The committee shall consist of the following members, namely :—

(*i*) a Chairman to be nominated by the Central Government;

(*ii*) eight persons to be nominated by the Central Government to represent such interests as that Government thinks fit, of whom not less than two persons shall be representatives of growers of seed ;

(*iii*) one person to be nominated by the Government of each of the States.

(3) The members of the Committee shall, unless their seats become vacant earlier by resignation, death or otherwise, be entitled to hold office for two years and shall be eligible for re-nomination.

(4) The Committee may, subject to the previous approval of the Central Government, make bye-laws fixing the quorum and regulating its own procedure and the conduct of all business to be transacted by it.

(5) The Committee may appoint one or more sub-committees, consisting wholly of members of the Committee or wholly of other persons or partly of members of the Committee and partly of other persons, as it thinks fit, for the purpose of discharging such of its functions as may be delegated to such sub-committee or sub-committees by the Committee.

(6) The functions of the Committee or any sub-committee threreof may be exercised notwithstanding any vacancy therein.

(7) The Central Government shall appoint a person to be the secretary of the Committee and shall provide the Committee with such clerical and other staff as the Central Government considers necessary.

4. Central Seed Laboratory and State Seed Laboratory.—(1) The Central Government may, by notification in the Official Gazette, establish a Central Seed Laboratory or declare any seed laboratory as the Central Seed Laboratory to carry out the functions entrusted to the Central Seed Laboratory by or under this Act.

(2) The State Government may, by Notification in the Official Gazette, establish one or more State Seed Laboratories or declare any seed laboratory as a State Seed Laboratory where analysis of seeds of any notified kind are variety shall be carried out by Seed Analysts under this Act in the prescribed manner.

5. Powers to notify kinds or varieties of seeds.—If the Central Government, after consultation with the Committee, is of opinion that it is necessary or expedient to regulate the quality of seed of

any kind or veriety to be sold for purposes of agriculture, it may, by notification in the Official Gazette, declare such kind or variety to be a notified kind or variety for the purposes of this Act and different kinds or varieties may be notified for defferent States or for different areas thereof.

6. Power to specify minimum limits of germination and purity, etc.—The Central Government may, after consultation with the Committee and by notification in the Official Gazette, specify—

(a) the minimum limits of germination and purity with respect to any seed of any notified kind or variety;

(b) the mark or label to indicate that such seed conforms to the minimum limits of germination and purity specified under clause (a) and the particulars which such mark or label may contain.

7. Regulation of sale of seeds of notified kinds or varieties.—No person shall, himself or by any other person on his behalf, carry on the business of selling, keeping for sale, offering to sell, bartering or otherwise supplying any seed of any notified kind or variety, unless—

(a) such seed is identifiable as to its kind or variety;

(b) such seed conforms to the minimum limits of germination and purity specified under clause (a) of section 6;

(c) the container of such seed bears in the prescribed manner, the mark or label containing the correct particulars thereof, specified under clause (b) of section 6; and

(d) he complies with such other requirements as may be prescribed.

8. Certification agency.—The State Government or the Central Government in consultation with the State Government may, by notification in the Official Gazette, establish a certification agency for the State to carry out the functions entrusted to the certification agency by or under this Act.

9. Grant of certificate by certification agency.—(1) Any person selling, keeping for sale, offering to sell, bartering or otherwise supplying any seed of any notified kind or variety may, if he desires to have such seed certified by the certification agency, apply to the certification agency for the grant of a certificate for the purpose.

(2) Every application under sub-section (1) shall be made in such form, shall contain such particulars and shall be accompanied by such fees as may be prescribed.

(3) On receipt of any such application for the grant of a certificate, the certification agency may, after such enquiry as it thinks fit and after satisfying itself that the seed to which the application relates conforms to the minimum limits of germination and purity specified for that seed under clause (a) of section 6, grant a certificate in such form and on such conditions as may be prescribed.

10. Revocation of certificate.—If the certification agency is satisfied, either on a reference made to it in this behalf or otherwise, that—

(a) the certificate granted by it under section 9 has been obtained by misrepresentation as to an essential fact; or

(b) the holder of the certificate has, without reasonable cause, failed to comply with the conditions subject to which the certificate has been granted or has contravened any of the provisions of this Act or the rules made thereunder,

then, without prejudice to any other penalty to which the holder of the certificate may be liable under this Act, the certification agency may, after giving the holder of the certificate an opportunity of showing cause, revoke the certificate.

11. Appeal.—(1) Any person aggrieved by a decision of a certification agency under section 9 or section 10, may, within thirty days from the date on which the decision is communicated to him and on payment of such fees as may be prescribed, prefer an appeal to such authority as may be specified by the State Government in this behalf:

Provided that the appellate authority may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the appellate authority shall, after giving the appellant an opportunity of being heard, dispose of the appeal as expeditiously as possible.

(3) Every order of the appellate authority under this section shall be final.

12. Seed Analysts.—The State Government may, by notification in the Official Gazette, appoint such persons as it thinks fit, having the prescribed qualifications, to be Seed Analysts and define the areas within which they shall exercise jurisdiction.

13. Seed Inspectors.—(1) The State Government may, by notification in the Official Gazette, appoint such persons as it thinks fit, having the prescribed qualifications, to be Seed Inspectors and define the areas within which they shall exercise jurisdiction.

(2) Every Seed Inspector shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860) and shall be officially subordinate to such authority as the State Government may specify in this behalf.

14. Powers of Seed Inspector.—(1) The Seed Inspector may—

(*a*) take samples of any seed of any notified kind or variety from—

(*i*) any person selling such seed; or

(*ii*) any person who is in the course of conveying, delivering or preparing to deliver such seed to a purchaser or a consignee; or

(*iii*) a purchaser or consignee after delivery of such seed to him;

(*b*) send such sample for analysis to the Seed Analyst for the area within which such sample has been taken;

(*c*) enter and search at all reasonable times, with such assistance, if any, as he considers necessary, any place in which he has reason to believe that an offence under

this Act has been or is being committed and order in writing the person in possession of any seed in respect of which the offence has been or is being committed, not to dispose of any stock of such seed for a specific period not exceeding thirty days or, unless the alleged offence is such that the defect may be removed by the possessor of the seed, seize the stock of such seed ;

(*d*) examine any record, register, document or any other material object found in any place mentioned in clause

(c) and seize the same if he has reason to believe that it may furnish evidence of the commission of an offence punishable under this Act; and

(e) exercise such other powers as may be necessary for carrying out the purposes of this Act or any rule made thereunder.

(2) Where any sample of any seed of any notified kind or variety is taken under clause (a) of sub-section (1), its cost, calculated at the rate at which such seed is usually sold to the public, shall be paid on demand to the person from whom it is taken.

(3) The power conferred by this section includes power to break open any container in which any seed of any notified kind or variety may be contained or to break-open the door of any premises where any such seed may be kept for sale:

Provided that the power to break-open the door shall be exercised only after the owner or any other person in occupation of the premises, if he is present therein, refuses to open the door on being called upon to do so.

(4) Where the Seed Inspector takes any action under clause (a) sub-section (1), he shall, as for as possible, call not less than two persons to be present at the time when such action is taken and take their signatures on a memorandum to be prepared in the prescribed from and manner.

(5) The provisions of the Code of Criminal Procedure 1898, (5 of 1898), shall, so far as may be, apply to any search or seizure under this section as they apply to any search or seizure made under the authority of a warrant issued under section 98 of the said Code.

15. Procedure to be followed by Seed Inspectors.—(1) henever a Seed Inspector intends to take sample of any seed of any notified kind or variety for analysis, he shall—

(a) give notice in writing, then and there, such intention to the person from whom he intends to take sample;

(b) except in special cases provided by rules made under this Act, take three representative samples in the prescribed manner and mark and seal or fasten up each sample in such manner as its nature permits.

(2) When samples of any seed of any notified kind or variety are taken under sub-section (1), the Seed Inspector shall—

(a) deliver one sample to the person from whom it has been taken;

(b) send in the prescribed manner another sample for analysis to the Seed Analyst for the area within which such sample has been taken; and

(c) retain the remaining sample in the prescribed manner for production in case any legal proceedings are taken or for analysis by the Central Seed Laboratory under sub-section (2) of section 16, as the case may be.

(3) If the person from whom the samples have been taken refuses to accept one of the samples the Seed Inspector shall send intimation to the Seed Analyst of such refusal and thereupon the Seed Analyst receiving the sample for analysis shall divide it iuto two parts and shall seal or fasten up one of those parts and shall cause it, either upon receipt of the sample or when he dilivers his report, to be delivered to the Seed Inspector who shall retain it for production in case legal proceedings are taken.

(4) Where a Seed Inspector takes any action under clause (c) of sub-section (1) of section 14,—

(a) he shall use all despatch in ascertaining whether or not the seed contravenes any of the provisions of section 7 and if it is ascertained that the seed does not so contravene, forthwith revoke the order passed under the said clause or, as the case may be, take such action as may be necessary for the return of the stock of the seedseized;

(b) if he seizes the stock of the seed, he shall, as soon as may be, inform a magistrate and take his orders as to the custody thereof;

(c) without prejudice to the institution of any prosecution, if the alleged offence is such that the defect may be removed by the possessor of the seed, he shall, on being satisfied that the defect has been so removed, forthwith revoke the order passed under the said clause.

(5) Where a Seed Inspector seizes any record, register, document or any other material object under clause (d) of sub-section (1) of section 14, he shall, as soon as may be, inform a magistrate and take his orders as to the custody thereof.

16. Report of Seed Analyst.—(1) The Seed Analyst shall, as soon as may be after the receipt of the sample under sub-section (2) of section 15, analyse the sample at the State Seed Laboratory and deliver, in such form as may be prescribed, one copy of the report of the result of the analysis to the Seed Inspector and another copy thereof to the person from whom the sample has been taken.

(2) After the institution of a prosecution under this Act, the accused vendor or the complainant may, on payment of the prescribed fee, make an application to the court for sending any of the samples mentined in clause (a) or clause (c) of sub-section (2) of section 15 to the Central Seed Laboratory for its report and on receipt of the application, the court shall first ascertain that the mark and the seal or fastening as provided in clause (b) of sub-section (1) of section 15 are intact and may then despatch the sample under its own seal to the Central Seed Laboratory which shall thereupon send its report to the court in the prescribed form within one month from the date of receipt of the sample, specifying the result of the analysis.

(3) The report sent by the Central Seed Laboratory under sub-section (2) shall supersede the report given by the Seed Analyst under sub-section (1).

(4) Where the report sent by the Central Seed Laboratory under sub-section (2) is produced in any proceedings under section 19, it shall not be necessary in such proceedings to produce any sample or part thereof taken for analysis.

17. Restriction on export and import of seeds of notified kinds or varieties —No person shall, for the purpose of sowing or planting by any person (including himself), export or import or cause to be exported or imported any seed of any notified kind or variety unless—

(*a*) it conforms to the minimum limits of germination and purity specified for that seed under clause (*a*) of section 6 ; and

(*b*) its container bears, in the prescribed manner, the mark or label with the correct particulars thereof specified for that seed under clause (*b*) of section 6.

18. Recognition of seed certification agencies of foreign countries.—The Central Government may, on the recommendation of the Committee and by notification in the Official Gazette, recognise any seed certification agency established in any foreign country. for the purposes of this Act.

19. Penalty.—If any person—

(*a*) contravenes any provision of this Act or any rule made thereunder ; or

(b) prevents a Seed Inspector from taking sample under this Act, ; or

(c) prevents a Seed Inspector from exercising any other power conferred on him by or under this Act,
he shall on conviction be punishable—

(*i*) for the first offence with fine which may extend to five hundred rupees ; and

(*ii*) in the event of such person having been previously convicted of an offence under this section, with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

20. Forfeiture of property.—When any person has been convicted under this Act for the contravention of any of the provisions of this Act or the rules made thereunder, the seed in respect of which the contravention has been committed may be forfeited to the Government.

21. Offences by companies.—(1) Where an offence under this Act has been committed by a company, every person who at the

time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment under this Act if he proves that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(*a*) "company" means any body corporate and includes a firm or other association of individuals ; and

(*b*) "director", in relation to a firm, means a partner in the firm.

22. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against the Government or any officer of the Government for anything which is in good faith done or intended to be done under this Act.

23. Power to give directions.—The Central Government may give such directions to any State Government as may appear to the Central Government to be necessary for carrying into execution in the State any of the provisions of this Act or of any rule made thereunder.

24. Exemption.—Nothing in this Act shall apply to any seed of any notified kind or variety grown by a person and sold or delivered by him on his own premises direct to another person for being used by that person for the purpose of sowing or planting.

25. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the functions of the Committee and the travelling and daily allowances payable to members of the Committee and members of any sub-committee appointed under sub-section (5) of section 3;

(b) the functions of the Central Seed Laboratory;

(c) the functions of a certification agency;

(d) the manner of marking or labeling the container of seed of any notified kind or variety under clause (c) of section 7 and under clause (b) of section 17;

(e) the requirements which may be complied with by a person carrying on the business referred to in section 7;

(f) the form of application for the grant of a certificate under section 9, the particulars it may contain, the fees which should accompany it, the form of the certificate and the conditions subject to which the certificate may be granted;

(g) the form and manner in which and the fee on payment of which an appeal may be preferred under section 11 and the procedure to be followed by the appellate authority in disposing of the appeal;

(h) the qualifications and duties of Seed Analysts and seed Inspectors;

(i) the manner in which samples may be taken by the Seed Inspector, the procedure for sending such samples to the Seed Analyst or the Central Seed Laboratory and the manner of analysing such samples;

(j) the form of report of the result of the analysis under sub-section (1) or sub-section (2) of section 16 and the fees payable in respect of such report under the said sub-section (2);

(k) the records to be maintained by a person carrying on the business referred to in section 7 and the particulars which such records shall contain; and

(l) any other matter which is to be or may be prescribed.

(3) Every rule made under this Act shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the exipry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, that rule shall, thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.